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HL

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/992,150	12/17/97	MODI	J MODICASE3
EXAMINER			

DAVID EDWARDS  
HERCULES INCORPORATED  
INTELLECTUAL PROPERTY SECTION  
HERCULES PLAZA  
WILMINGTON DE 19894-0001

HM12/0818

HERMAN, E
ART UNIT PAPER NUMBER

1617

DATE MAILED: 08/18/99

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 5/13/99  
☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-33 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
☐ Claim(s) \_\_\_\_\_ is/are allowed.  
☒ Claim(s) 1-33 is/are rejected.  
☐ Claim(s) \_\_\_\_\_ is/are objected to.  
☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.  
☐ The specification is objected to by the Examiner.  
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.  
☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892  
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  
☐ Interview Summary, PTO-413  
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948  
☐ Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 8, 10, 13, 15, 16, 18, 20-22, 25, 26, 30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by T'Sas ('207). T'Sas teaches a composition comprising water and the claimed polysaccharide (column 5, Table 2 and column 3, Table 3).

Claims 1-9, 11-13, 15-31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Landoll ('277). Landoll teaches cellulose ethers modified with C<sub>10</sub>-C<sub>24</sub> alkyl groups (abstract). Hydroxy ethyl and hydroxypropyl celluloses are specified (column 2, lines 4-13). A composition comprising water and surfactant is specified (column 6, example 25).

Claims 1-9, 11-13, 15-31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Goddard. Goddard teaches the cellulose of Landoll '277 (column 2, lines 33-35). A composition comprising water and the celluloses are disclosed (column 4, lines 53-56). Surfactants are disclosed (column 5, lines 1-8). Oils are also disclosed (column 5, lines 9-11).

Claims 1-9, 11-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolich '658. Bolich '658 teaches the thickeners of Landoll '277 (column 4, lines 35-44). Water is disclosed (column 6, lines 19-20). Silicones are specified (column 10, lines 32-34). Surfactants are disclosed at less than 1% (column 8, lines 8-19). Rheological aids, including certain salts, are specified (column 6, lines 47-61).

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As the claimed intended use, they are of no patentable consequence in composition claims.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 'household care ingredient' is vague. Which ones? In claim 14, is 'viscositying' a term of art?

The disclosure is objected to because of the following informalities: on page 7, line 6 is 'viscositying' a term of art? The last sentence on page 1 is incomplete.

Appropriate correction is required.

No claims allowed. The Hercules trade literature cited by Bolich '658 in column 2, lines 26-27 is requested by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Edward J. Webman, whose telephone number is (703) 308-4432. The examiner can normally be reached on Monday-Friday from 9:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald E. Adams, Ph.D., can be reached on (703) 308-0570. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3592.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

E. WEBMAN;mvw

08/09/99

  
EDWARD J. WEBMAN  
PRIMARY EXAMINER  
GROUP 1500